

The Nanny State

Regulations for disease and
injury control involving animals
and animal products



One Medicine Symposium
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The Nanny

- A person, usually with special training, employed to care for children in a household
 - A woman who is the custodian of children
- A Nanny Law:
 - “We know what's best for you -- and we're going make sure you do it.”
 - A law that limits freedom of the individual to protect society
 - Jacobsen v. MA: 1900, Supreme Court upholds state's authority to mandate small pox vaccination
 - Recent examples: mandatory helmet law; smoking bans in public places

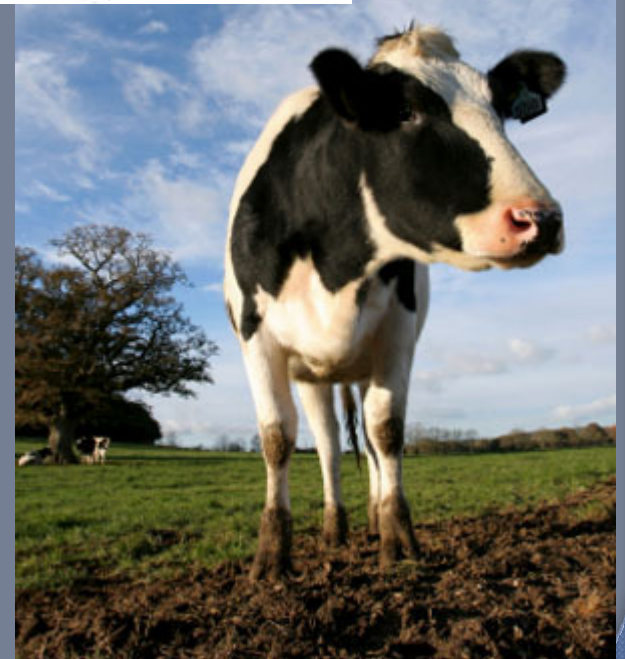
Case Studies

- For each case study, review the facts presented and craft arguments supporting and opposing government regulation
 - #1: Raw Milk
 - #2: Large Cats
 - #3: Turtles

Raw Milk

● Proponents

- Protect the public from disease
 - We know that raw milk can cause disease and we know how to prevent it (pasteurization)
- Protect vulnerable populations
 - Children, elderly, immunocompromised
 - Cultural/ethnic preferences
- Raw milk can enter the food chain:
 - Butter (Robeson County *E.coli* outbreak, 2001)
 - Cheese (Listeriosis)

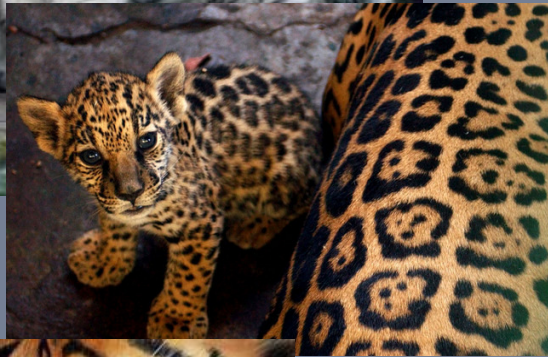


Raw Milk

○ Opponents

- People should be allowed to make their own choices
- Education and warnings should be sufficient
- A ban hurts small farmers who rely on individual customers and cow-share arrangements for income
- Respect for cultural preferences for raw milk (e.g. queso fresco)

Large Cats



Proponents

- Protect the public from potential injury
 - We know that confinement of large cats can lead to injury and we know how to prevent it (prohibit private ownership)
- Prevent mistreatment of the cats
 - Animal welfare advocates believe that large cats kept as pets are often not cared for appropriately
- Potential communicable disease risk

Large Cats

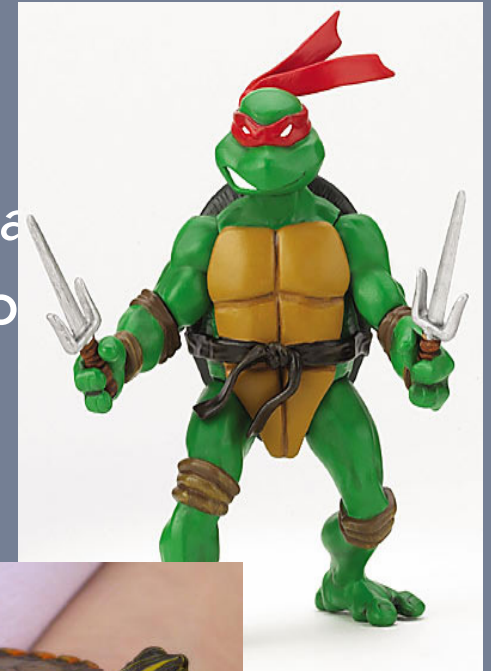
○ Opponents

- People should be allowed to make their own choices
- Education and warning should be sufficient
- Risk is very small
 - More people attacked by pit bulls
 - Not best use of government resources
- Hurts conservation efforts (protect animals from extinction)
- Hurts small zoos and educational endeavors

Turtles

○ Proponents

- Protect the public from disease
 - We know pet turtles carry *Salmonella*
 - We know how to prevent transmission (prohibit the sale)
- Protect vulnerable populations
 - Children are the target market



Turtles

○ Opponents

- People should be allowed to make their own choices
- Education and warning should be sufficient
- Other reptiles can carry salmonella
- Science is changing, turtles can be decontaminated

Common Themes

PROPONENTS

- Paternalistic
 - Role of government is to protect the public from known risks
- Data driven
 - Government should only step in if the
 - Proven risk
 - Intervention effectively reduces the risk

OPPONENTS

- Individual liberty
 - People should be allowed to make their own decisions
 - Information is better than a prohibition
- Economic freedom
 - Government should not interfere with my right to make a living

Common Themes

○ Tension between

- Public v. Individual: Who is the government trying to protect?
- Risk v. Cost: Is the potential risk really worth the cost – both in terms of money and freedom?
- Us v. Them: Why is the government choosing to regulate this activity when there are so many others that are just as dangerous?

Justifications for Regulation

- Risk to others

- Competent adults should have freedom of action unless they pose a risk to the community

- Protection of incompetent persons

- (1) Person cannot understand risks/benefits
 - (2) Substitute decision must be in person's best interest or consistent with known wishes

Adapted from Public Health Law: Power, Duty, Restraint by Larry O. Gostin

Justifications for Regulation

○ Risk to self

- Need to protect someone from own decisions
- People may have limited information about risks
- People may have limited willpower
- People may face external pressure (e.g., peer or environmental pressure)
- Examples: helmet law, smoking regulations

Adapted from Public Health Law: Power, Duty, Restraint by Larry O. Gostin

Questions to Consider

- Does the regulation achieve the goal?
 - Turtles: Does prohibiting the sale of turtles reduce salmonellosis?
- Is a less burdensome/less restrictive option available?
 - Milk: Would warnings at the time of sale coupled with public education be as effective?
- Is the focus of the regulation fair?
 - Cats: Why is the regulation targeting large cats and not other animals?

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